

**OPINION**  
**50-52**

February 23, 1950

**ELECTIONS - Qualification of Candidate**

Your letter of the 21st inst. has been received and referred to my desk.

You state that a certain person established his residence in your county November 1st, 1949. You ask whether or not he may be a candidate for a county office at the 1950 general election.

The general rule is that the eligibility of a candidate for office is determined as of the date of the election or as of the date of entrance upon the duties of the office. Our Court, in the case of *Enge v. Cass*, 28 N.D. 219, held that one qualified at the time of qualifying for the office, though not so qualified at the time of election, was duly qualified and could hold the office.

Since this person, if he continues his residence in your county, will be qualified for a county office at the time of the next general election, which will not be held until after November 1st, 1950, he will be eligible for such office. See *Northwestern Digest*, Title, Officers, Key No. 22, and 46 C. J. 938, section 33.